

RECEIVEDUSDC, WESTERN DISTRICT OF LA
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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

UNITED STATES OF AMERICA

CRIMINAL ACTION 01-20054-01

VERSUS

JUDGE HAIK

BILLY JEROD MITCHELL

MAGISTRATE JUDGE METHVIN

RULING


Billy Jerod Mitchell is one of several criminal defendants sentenced to a term of imprisonment for a crack cocaine offense. On March 3, 2008, amendments to the sentencing guidelines came into effect which allow this Court limited authority to modify those crack cocaine sentences which are eligible for a reduction.

In the case of Mr. Mitchell, he was sentenced as a career offender and, as such, is not eligible for a reduction of sentence. He raised in his Sentencing Memorandum the issue of career offender status arguing that he is not a career offender and, consequently, is entitled to the reduction of sentence pursuant to 18 U.S.C. section 3582(c)(2). Although Mr. Mitchell may possibly have a valid argument, an issue on which this Court has no opinion, a Motion for Reduction of Sentence under 18 U.S.C. section 3582(c)(2) is an improper procedural vehicle in which to raise such an objection.

It is well established that proceedings under section 3582(c)(2) are limited and do not constitute a full re-sentencing of the defendant. These proceedings are not an opportunity to object to the original sentence and the Court can not consider such objections in this forum. This Court is bound by the limits of section 3582(c)(2) proceedings and must deny any request to

consider any issues outside of those boundaries.

THUS DONE and SIGNED on this 19th day of November, 2009.



RICHARD T. HAIK, SR., DISTRICT JUDGE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA